

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



August 25, 1997

ALL-COUNTY INFORMATION NOTICE NO. I-53-97

TO: ALL COUNTY WELFARE DEPARTMENTS
ALL COUNTY PROBATION DEPARTMENTS
ALL COUNTY MENTAL HEALTH AGENCIES

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

SUBJECT: Mandatory Reports to Licensing Agencies of:

- 1) Child abuse
- 2) Health and safety violations
- 3) Unlicensed care

REFERENCE: ALL-COUNTY LETTER (ACL) NO. 93-44, CHILD ABUSE
REFERRALS - CROSS REPORTING

The California Department of Social Services (CDSS) has learned that some agencies are not reporting child abuse and other risks to children in licensed facilities to the CDSS as mandated by State law. This All-County Information Notice (ACIN) supplements ACL 93-44, dated June 23, 1993. Child placement and child protective service workers have a duty to report child abuse, risks to the health and safety of children in a licensed facility, and unlicensed facilities to the local licensing agency. These reports allow the CDSS to act swiftly to protect children in care and to avoid exposing children to potentially dangerous conditions. As noted below, failure to provide these reports is a misdemeanor.

There are several different reports child protective agencies must provide to the CDSS.¹ First, State law requires a child protective agency worker to notify the local licensing agency as soon as possible after receiving a report of abuse alleged to have occurred in a facility licensed by the CDSS, but no later than 24 hours after receiving the report. (Penal Code §§ 11166.1 and 11166.2) The child protective agency must also send a copy of the written report within 36 hours of receiving the information. (Penal Code § 11166.2) Finally, the child protective agency must provide the licensing agency with a copy of its investigation and other pertinent materials. (Penal Code §§ 11166.1, 11166.2, and 11167.5(b)(2), (5) and (6))


¹ Child protective agencies include county welfare departments, county probation departments and law enforcement agencies. (Penal Code § 11165.9)

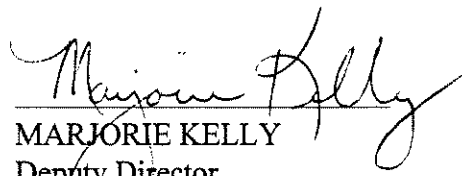
Child protective services must also notify the local licensing agency within 24 hours after receiving a report of a death of a child who was either living at or regularly attending a facility licensed by the CDSS, unless the circumstances of the child's death are clearly unrelated to the child's care at the facility. (Penal Code § 11166.1)

Any child placement agency² must report physical, sexual, mental or verbal abuse, violations of personal rights (including the use of corporal punishment), unclean, unsafe, or unsanitary conditions in a facility, insufficient or incompetent personnel to the local licensing agency. (Health & Safety Code § 1536.1(f)) These same agencies must also report to the CDSS the name and address of any facility which is not exempt from licensure and is operating without a license. (Health & Safety Code § 1536.1(d)) Failure to make this report is a misdemeanor. (Health & Safety Code § 1536.1(d))

As our respective agencies share a common mission of protecting children, please remind your staff of the statutory mandates to provide cross-reports of child abuse or endangerment in out-of-home care to the CDSS.

If you have any questions regarding this ACIN, please contact your Child Welfare Services Operations consultant at (916) 445-2832.


MARTHA LOPEZ
Deputy Director
Community Care Licensing


MARJORIE KELLY
Deputy Director
Children and Family Services

c: County Welfare Directors Association

² A placement agency means any county probation department, county welfare department, county social services department, county mental health department, county public guardian, general acute care hospital discharge planner, and regional center for persons with developmental disabilities. (Health & Safety Code § 1536.1)